

Appl. No. 10/749,627
Amtd. dated January 25, 2006
Reply to Office Action of August 25, 2005

REMARKS

Claims 23-31 are presented for Examiner Evan's consideration.

Claims 1-22 have been canceled.

Support for new claim 23 can be found at least at page 23, lines 3-7; page 25, lines 14-18; page 21, lines 15-17; page 25: lines 8-9; page 26: lines 7-8; and Fig. 2 of Applicants' specification.

Support for new claim 24 can be found at least at page 23, lines 17-20 of Applicants' specification.

Support for new claim 25 can be found at least at page 22, lines 25-29 of Applicants' specification.

Support for new claim 26 can be found at least at page 23, lines 8-10 of Applicants' specification.

Support for new claim 27 can be found at least at page 26, lines 26-32 of Applicants' specification.

Support for new claim 28 can be found at least at page 23, lines 3-4 of Applicants' specification.

Support for new claim 29 can be found at least at page 23, lines 22-29 of Applicants' specification.

Support for new claim 30 can be found at least at page 25, lines 14-18 of Applicants' specification.

Support for new claim 31 can be found at least at page 21, lines 15-17 of Applicants' specification.

No new matter has been added.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and remarks and the following responses is respectfully requested.

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RESPONSES TO REJECTIONS

By way of the Office Action mailed August 25, 2005, claims 1-7, 10-17, 19 and 20 stand rejected under 35 U.S.C. § 112. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Claims 1-22 have been canceled thereby rendering this rejection moot. New claims 23-31 are fully supported by the specification as described in greater detail in the remarks section above.

By way of the Office Action mailed August 25, 2005, claims 1-6, 8 and 12-22 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious and thus unpatentable over U.S. Patent Number 5,925,026 to Arteman *et al. (Arteman)*. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987); M.P.E.P. §2131.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. M.P.E.P. §2142, 2143.

Claims 1-6, 8 and 12-22 have been canceled thereby rendering this rejection moot.

New claim 23 requires a bodyside liner having an open area of 50-99%, a plurality of topographical features with a height of 2 millimeters to 10 millimeters, wherein the plurality of topographical features define a cross-sectional area that is 10-95% of a bodyside liner area. *Arteman* does not teach or suggest, either expressly or inherently, a bodyside liner having these characteristics. Therefore, *Arteman* neither anticipates nor renders obvious Applicants' new claim 23 or new claims 24-31 which depend therefrom.

The Examiner states that *Arteman* "has intake values that fell between and/or exceeded (Tables 1 and 2) those specified by the applicant." (Office Action at page 4). Applicants respectfully note that the intake values disclosed in *Arteman* reflect intake times for saline solution (see e.g., col. 11: 56-59), whereas Applicants' intake values are Fecal Fluid Intake values and reflect intake times for Fecal Fluid Simulant (see e.g., page 12: 21 – page 14: 34).

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By way of the Office Action mailed August 25, 2005, claims 8 and 9 stand rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,925,026 to Arteman et al. (Arteman) in view of U.S. Patent Number 4,690,679 to Mattingly et al. (Mattingly). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Claims 8 and 9 have been canceled thereby rendering this rejection moot.

As discussed above, Applicants' new claim 23 requires a bodyside liner having an open area of 50-99%, a plurality of topographical features with a height of 2 millimeters to 10 millimeters, wherein the plurality of topographical features define a cross-sectional area that is 10-95% of a bodyside liner area. Neither Arteman nor Mattingly, alone or in combination, teach or suggest a bodyside liner having these characteristics. Therefore, the combination of Arteman and Mattingly fails to render obvious Applicants' new claim 23 or new claims 24-31 which depend therefrom.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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